

# CYTEC

US EPA RECORDS CENTER REGION 5



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**CYTEC INDUSTRIES INC.**  
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March 19, 2001

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**VIA FEDEX OVERNIGHT DELIVERY**

United States Environmental Protection Agency  
Deena Sheppard-Johnson, SR-6J  
Remedial Enforcement Support Section  
77 West Jackson Blvd.  
Chicago, IL 60604

Re: Chemical Recovery Systems Site, Elyria, OH

Dear Ms. Sheppard-Johnson:

As you know from our recent telephone conversation, I am an attorney responsible for environmental legal matters for Cytec Industries Inc., the parent company of Cytec Olean, Inc. Cytec Olean Inc. was formerly known as Conap, Inc. On March 8, 2001, Cytec Olean Inc. received the United States Environmental Protection Agency's General Notice of Potential Liability and Request for Information relating to the Chemical Recovery Systems Site in Elyria, OH. This notice was addressed to Conap, Inc. I am representing Cytec Olean Inc. in connection with the matter.

This correspondence shall serve as Cytec Olean Inc.'s response to USEPA's General Notice, and shall confirm that you have granted Cytec Olean Inc. an extension of time of ten day's duration within which to respond to the USEPA's Request for Information. As we discussed, Cytec Olean Inc.'s response to the Request for Information shall be due on April 19, 2001. You suggested that if Cytec Olean Inc. discovers that it needs additional time to complete its response to the Request that you would entertain a request for a further extension at that time.

Our initial review of information currently known to Cytec Olean Inc. (other than the information provided by your office) indicates that Cytec Olean Inc. is unaware of any nexus between its Olean, New York facility and the Chemical Recovery Systems Site in Elyria, Ohio. As we recently discussed on the telephone, Cytec Olean Inc. will perform an internal investigation and will make a good faith effort to respond to the Request for Information on or before April 19, 2001.

Our initial investigation further indicates that Cytec Olean Inc. is not liable under CERCLA for the generation of hazardous substances that may have been shipped from its Olean, New York site during the period of operation of the Chemical Recovery Systems Site. Indeed, Cytec Olean Inc. (formerly known as Conap, Inc.) was formed as a corporate entity in 1983, after the period in question. Subsequent to its formation in 1983, Conap, Inc. purchased the assets of what was then the Conap Division of a company known as Wheelabrator-Frye. Wheelabrator-Frye retained all liabilities associated with its operation of the Olean facility except for those liabilities specifically assumed Conap, Inc. Conap, Inc. did not assume environmental liabilities in connection with its purchase of assets from Wheelabrator-Frye.

Cytec Olean Inc. is a company that takes its environmental obligations and responsibilities very seriously. Cytec Olean Inc. believes, however, that given the fact that its Olean, New York facility is located more than 200 miles from Elyria, Ohio, it is unlikely that a significant volume of material generated at Olean was sent to the Chemical Recovery Systems Site. Indeed, the "linking documentation" provided to Cytec Olean Inc. by Thomas Nash, USEPA Assistant Regional Counsel, indicates that the volume of material attributed to the Olean, New York facility is *de micromis* in comparison to the volumes attributed to many other potentially responsible parties identified by the same document. Thus, even if one were to assume that liability could be established with respect to Cytec Olean Inc. (and, as indicated in the above paragraph, we believe that liability cannot be established), Cytec Olean Inc.'s equitable share of the costs associated with the planned investigation and eventual remediation

March 19, 2001

of the site would be *de micromis*. Cytec Olean Inc., therefore, is not in a position to submit an offer to conduct or finance the activities described in the General Notice.

If our position with respect to Cytec Olean Inc.'s liability proves to be incorrect, Cytec Olean Inc. would, however, be amenable to entering into negotiations with USEPA or with a forming PRP Group to arrive at a *de micromis* settlement of its potential liability at the site. Alternatively, if a substantial group of potentially responsible parties were to be formed to negotiate a consent decree to perform the work described in the General Notice, Cytec Olean Inc. would consider participation in such a group on some equitable basis.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Thomas A. Waldman".

Thomas A. Waldman, Esq.

cc: Thomas Nash, Esq., Assistant Regional Counsel  
Tom Hardes  
Karen Koster

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From: STACEY ANDRETTA (973)357-3137  
CYTEC INDUSTRIES INC  
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WEST PATERSON, NJ, 07424

SHIPPER'S FEDEX ACCOUNT #



To: Deena Sheppard-Johnson, SR-6J (000)000-0000  
US Environmental Protection Agency  
**Remedial Enforcement Support Sectio**  
**77 West Jackson Blvd.**  
**Chicago, IL, 60604**

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